

Tiwari v. Mattis, Case No. 2:17-cv-00242-TSZ

TRIAL EXHIBIT LIST

(As of 11/30/18)

Ex.	Description	Authenticity Stipulated	Admissibility Stipulated	Admissibility Disputed	Admitted
1	Enlisted Record Brief (ERB) of Valdeta Mehanja (previously marked as Common Dep. Ex. 1 and Pl. MPSJ Ex. 1)	X	X		PTC 11/16/18
2	Favorable Military Suitability Determination for Mehanja 8/24/16 (previously marked as Common Dep. Ex. 2 and Pl. MPSJ Ex. 2)	X	X		PTC 11/16/18
3	Interim Clearance for Mehanja 11/9/16 (previously marked as Common Dep. Ex. 3 and Pl. MPSJ Ex. 3)	X		X	
4	Peter Levine Memo 9/30/16 (previously marked as Common Dep. Ex. 4 and Pl. MPSJ Ex. 4)	X	X		PTC 11/16/18
5	O'Sullivan Recommendation for Mehanja 11/8/16 (previously marked as Common Dep. Ex. 5 and Pl. MPSJ Ex. 5)	X		X	Admitted 11/26/2018
6	Sheehan Recommendation for Mehanja 9/15/16 (previously marked as Common Dep. Ex. 6 and Pl. MPSJ Ex. 6)	X	X		PTC 11/16/18
7	Moyes Recommendation for Mehanja 11/14/16 (previously marked as Common Dep. Ex. 7 and Pl. MPSJ Ex. 7)	X	X		PTC 11/16/18
8	Rollie Recommendation for Mehanja 10/28/16 (previously marked as Common Dep. Ex. 8 and Pl. MPSJ Ex. 8)	X	X		PTC 11/16/18
9	Memo re Mehanja ineligibility for OCS 11/30/16 (previously marked as Common Dep. Ex. 9 and Pl. MPSJ Ex. 9)	X		X	Admitted 11/26/2018

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10	Exception to Policy Letters for Original Plaintiffs 4/24/17 (previously marked as Common Dep. Ex. 10 and Pl. MPSJ Ex. 10)	X	X		PTC 11/16/18
11	Kurta "equal treatment" memo 6/21/17 (previously marked as Common Dep. Ex. 11 and Pl. MPSJ Ex. 11)	X	X		PTC 11/16/18
12	Mehanja / Dandridge / Farrier emails (previously marked as Common Dep. Ex. 12 and Pl. MPSJ Ex. 12)	X		X	Admitted 11/26/18
13	McSwain Declaration 12/11/17 (previously marked as Common Dep. Ex. 13 and Pl. MPSJ Ex. 13)	X	X		PTC 11/16/18
14	Malphrus email 11/16/17 (previously marked as Common Dep. Ex. 14 and Pl. MPSJ Ex. 1)	X		X	
15	Valdeta Mehanja MAVNI Information Paper	X	X		PTC 11/16/18
16	Stephanie Barna ETP Memo 5/5/17	X	X		PTC 11/16/18
17	Instructions to MAVNI Personnel Prior to Arrival 4/21/17 (previously marked Pl. MPSJ Ex. 17)	X	X		PTC 11/16/18
18	<u>Nio v. U.S. Dep't Homeland Security</u> , February 28, 2018, Bi-Weekly Status Report (previously marked Pl. MPSJ Ex. 18)	X	X		PTC 11/16/18
19	<u>Nio v. U.S. Dep't Homeland Security</u> , March 14, 2018, Bi-Weekly Status Report (previously marked Pl. MPSJ Ex. 19)	X	X		PTC 11/16/18

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Ex.	Description	Authenticity Stipulated	Admissibility Stipulated	Admissibility Disputed	Admitted
20	DoD Manual 5200.02 Personnel Screening Program (previously marked Pl. MPSJ Ex. 20)	X	X		PTC 11/16/18
21	Office of Personnel Management 2017 Agency Financial Report (Portions) (previously marked Pl. MPSJ Ex. 21)	X	X		PTC 11/16/18
22	SF 86 Form (previously marked Pl. MPSJ Ex. 22)	X	X		PTC 11/16/18
23	Federal Investigative Standards (previously marked Pl. MPSJ Ex. 23)	X	X		PTC 11/16/18
24	National Security Adjudicative Guidelines (previously marked as Common Dep. Ex. 24 and Pl. MPSJ Ex. 24)	X	X		PTC 11/16/18
25	<u>Nio v. U.S. Dep't Homeland Security</u> , 10/27/17 Hearing Transcript (Portion) (previously marked Pl. MPSJ Ex. 25)	X	X		PTC 11/16/18
26	Debra Wada 1-6-17 memo	X	X		PTC 11/16/18
27	Verdugo 1-4-12 MAVNI Briefing	X	X	X	Admitted 11/26/2018
28	Verdugo 10-28-14 MAVNI Briefing	X	X	X	Admitted 11/26/2018
29	HumRRO Report	X	X		PTC 11/16/18
30	DNI Continuous Evaluation – Overview (previously marked Ex. 1 to Pl. Reply Br. in Support of MPSJ)	X	X		PTC 11/16/18

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31	DoD CAF MAVNI Incumbent Review, April 23, 2017 (previously marked Ex. 2 to Pl. Reply Br. in Support of MPSJ)	X	X		PTC 11/16/18
32	Tiger Team End-to-End Process Review of the MAVNI Program (previously marked Ex. 3 to Pl. Reply Br. in Support of MPSJ)	X	X		PTC 11/16/18
33	RAND Report on MAVNI Program (previously marked Ex. 4 to Pl. Reply Br. in Support of MPSJ)	X	X		PTC 11/16/18
34	Washington Post 4/5/18 Article "ICE Moving to Deport a Veteran after Mattis Assured that Would Not Happen," (previously marked Ex. 5 to Pl. Reply Br. in Support of MPSJ)	X		X	
35	DoD CAF LPR & MAVNI National Security Determinations: Anedotal Comparison (previously marked Ex. 6 to Pl. Reply Br. in Support of MPSJ)	X	X		PTC 11/16/18
36	Executive Order 12968, Access to Classified Information (previously marked Ex. 7 to Pl. Reply Br. in Support of MPSJ)	X	X		PTC 11/16/18
37	DoD Instruction, Personal Security Program, No. 5200.02 (previously marked Ex. 8 to Pl. Reply Br. in Support of MPSJ)	X	X		PTC 11/16/18
38	MAVNI Information Paper, 8/9/17 (previously marked Ex. 9 to Pl. Reply Br. in Support of MPSJ)	X	X		PTC 11/16/18

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Ex.	Description	Authenticity Stipulated	Admissibility Stipulated	Admissibility Disputed	Admitted
39	Command Recommendation for RAJ CHETTRI security clearance, 2/22/16 (previously marked Ex. 10 to Pl. Reply Br. in Support of MPSJ)	X	X		PTC 11/16/18
40	USAREC Recruiting program for AMEDD, 3-18	X		X	
41	Army Reserve Careers Division (ARCD) Warrant Officer Candidate School (WOCS) recruiting presentation (previously filed on 5/23/18 as Ex. 1 Supp. Authority in Support of Pl. MPSJ)	X		X	
42	DoD Second Amended Objections and Responses to Interrogatory No. 1 from Pl. First Discovery Requests dated 6/18/18 (previously marked Ex. 1 to Pl. Supplemental Br. in support of Pl MPSJ)	X	X		PTC 11/16/18
43	Email from MSG David Hernandez 5/23/18 distributing ARCD recruiting presentation (previously marked Ex. 2 to Pl. Supplemental Br. in support of Pl MPSJ)	X		X	
44	USAREC emails 4-18 re Army Nurse Corps	X		X	
45	DoD CAF MAVNI Standard Operating Procedures, Special Processing Branch May 2017 (previously marked as Common Dep. Ex. 15)	X		X	
46	DoD CAF Information Paper of Army MAVNI Applicants and MAVNI Incumbents 21 June 17 (previously marked as Common Dep. Ex. 16)	X		X	Admitted 11/27/2018

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47	DoD CAF Information Paper of Army MAVNI Applicants and MAVNI Incumbents 21 June 17 (previously marked as Common Dep. Ex. 17)	X		X	Admitted 11/27/2018
48	DoD CAF Information Paper of Army MAVNI Applicants and MAVNI Incumbents 21 June 17 (previously marked as Common Dep. Ex. 18)	X		X	
49	Kurta and Bingen Memo Re MAVNI Pilot Program 10/13/17 (previously marked as Common Dep. Ex. 19)	X	X		PTC 11/16/18
50	Emails between SSG Martinson, McClure and email to SPC Keigni Di Satchou 6/28/17 (previously marked Common Dep. Ex. 20)	X		X	Admitted 11/26/2018
51	Emails between Terrill White and SPC Keigni Di Satchou 10/31/17 (previously marked Common Dep. Ex. 21)	X		X	
52	Daniel Purtill Dec. 1/5/18 (previously marked Common Dep. Ex. 22)	X	X		PTC 11/16/18
53	Interim security clearance verification for SPC Keigni Di Satchou 1/22/18 (previously marked Common Dep. Ex. 23)	X	X		PTC 11/16/18
54	RESERVED				
55	SPC Eva Xiong 1/29/18 email to SFC Smigell with attachments (previously marked Common Dep. Ex. 25)	X		X	

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56	SFC Smigell 1/30/18 email to SPC Eva Xiong (previously marked Common Dep. Ex. 26)	X		X	
57	Patricia Stokes Declaration 1/5/18 (previously marked Common Dep. Ex. 57)	X	X	X	
58	Stephanie Barna memo 4/27/18	X	X		PTC 11/16/18
59	Undated Action Memo from Kurta and Lowery prepared by Stephanie Miller	X		X	Admitted 11/29/2018
60	WaPo Article 6/26/17 The Pentagon Promised Citizenship	X		X	
61	RESERVED				
62	Recommendation ltr for Raj Chettri by Cpt Gray 1-25-16	X	X		PTC 11/16/18
63	Request to adjudicate Raj Chettri Top Secret Clearance Battalion S2 2-11-16	X	X		PTC 11/16/18
64	Request to adjudicate Raj Chettri Top Secret Clearance LTC Parker 2-22-16uq	X	X		PTC 11/16/18
65	Emails re Raj Chettri clearance status 2-10 to 2/12/18	X		X	
66	Verification of Interim Secret Clearance for Raj Chettri 2-13-18	X		X	

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Ex.	Description	Authenticity Stipulated	Admissibility Stipulated	Admissibility Disputed	Admitted
67	Request to Expedite Raj Chettri clearance 2-27-18	X		X	
68	Request to Expedite Raj Chettri clearance 5-17-17	X		X	
69	Seung Yoon Yang MAVNI Information Paper 10-9-14	X	X		PTC 11/16/18
70	RESERVED				
71	Amandeep Singh 7/23/15 MAVNI Info Paper	X	X		PTC 11/16/18
72	RESERVED				
73	University of Houston Tiwari recommendation letter 4-4-16	X		X	Admitted 11/26/2018
74	Baylor College of Medicine Tiwari recommendation letter 4-4-16	X		X	Admitted 11/26/2018
75	CPT Gonzalez, Tiwari recommendation letter 4-8-16	X	X		PTC 11/16/18
76	Col. Smith, Tiwari recommendation letter, 7-12-16	X	X		PTC 11/16/18
77	Memo re Two Year Extension of MAVNI, 8-17-10	X	X		PTC 11/16/18

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 TRIAL EXHIBIT LIST
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Ex.	Description	Authenticity Stipulated	Admissibility Stipulated	Admissibility Disputed	Admitted
78	Memo re MAVNI Security Reviews and Monitoring Programs, 2-16-12	X	X		PTC 11/16/18
79	Memo re MAVNI re DACA Eligibility, 9-25-14	X	X		PTC 11/16/18
80	Memo re MAVNI Program Suitability, 4-5-17	X	X		PTC 11/16/18
81	Memo re 2017 MAVNI Accessions, 7-17-17	X	X		PTC 11/16/18
82	Memo re Continued Counterintelligence Support for MAVNIs Accessed Prior to 9-30-16	X	X		PTC 11/16/18
83	Memo re Concurrence with Procedures for Vetting Non-US Citizens, 5-2-18	X	X		PTC 11/16/18
84	Memo re Dept. Army two-year extension of MAVNI program, 12-19-14	X	X		PTC 11/16/18
85	MAVNI Program memo 10-13-17	?	?	?	
86	UNNJ Website Wayback Snapshots 6-10-14 through 6-24-14	X		X	Admitted 11/27/2018
87	UNNJ Website Wayback Snapshots 2-28-15 through 3-27-16	X		X	
88	UNNJ Website Wayback Snapshots 6-10-14 through 6-24-14, horizontal layout	X		X	

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Ex.	Description	Authenticity Stipulated	Admissibility Stipulated	Admissibility Disputed	Admitted
89	UNNJ Website Wayback Snapshots 2-28-15 through 3-27-16, horizontal layout	X		X	
90	Sandeep Singh 10-23-12 MAVNI Information Paper	X	X		PTC 11/16/18
91	Command Endorsement for Sandeep Singh security clearance, Cpt. Macedo 6-27-17	X	X		PTC 11/16/18
92	Command Endorsement for Sandeep Singh security clearance, LTC Sarrette 7-17-17	X	X		PTC 11/16/18
93	Emails Sandeep Singh – Minick 7-23-17 etc.	X		X	Admitted 11/27/2018
94	Emails Sandeep Singh – Mull 8-9-17 etc.	X		X	Admitted 11/27/2018
95	Verdugo and Stock Paper on Impact of Foreign Born Population on Army Recruiting and Force 2025	X	X		PTC 11/16/18
96	Verdugo and Stock Power Point on Impact of Foreign Born Population on Army Recruiting and Force 2025	X	X		PTC 11/16/18
97	DAMI-CDS Memo :Subject Military dated Oct 16, 2012	X	X		Admitted 11/26/2018
98	DOD – CAF Overview of Non- US Citizen dated Feb. 10, 2017	X			Admitted 11/29/2018
99	Department of Defense Consolidated Adjudications dated May 19, 2017 Mavni DACA Review NOT OFFERED				

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Ex.	Description	Authenticity Stipulated	Admissibility Stipulated	Admissibility Disputed	Admitted
100	Department of the Army Freedom of Info dated October 19, 2018 - REFUSED	X		X	
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200	Memorandum from Robert Gates, Secretary of Defense, for Secretaries of the Army, Navy, and Air Force (November 25, 2008)	X	X		PTC 11/16/18
201	Memorandum from John M. McHugh, Secretary of the Army, for Under Secretary of Defense (Personnel and Readiness) (June 22, 2010)	X	X		PTC 11/16/18
202	Memorandum from Ashton Carter, Deputy Secretary of Defense, for Secretaries of the Army, Navy, and Air Force (May 16, 2012)	X	X		PTC 11/16/18
203	Memorandum from Mary A. Legere, Lieutenant General, GS; Deputy Chief of Staff, G-2, for Principal Officials of Headquarters, Department of the Army Commander (October 16, 2012)	X	X		PTC 11/16/18
204	Memorandum from Patricia P. Stokes, Senior Security Advisor, DISL, for Deputy Under Secretary of Defense for Intelligence (October 24, 2014)	X	X		PTC 11/16/18
205	Memorandum from Stephanie Barna, Principal Deputy Assistant Secretary of Defense (Readiness and Force Management), Performing the Duties of the Assistant Secretary of Defense (Readiness and Force Management), for Assistant Secretary of the Army for Manpower and Reserve Affairs, <i>et al.</i> (March 11, 2015)	X	X		PTC 11/16/18

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206	Memorandum from Debra S. Wada, Office of the Assistant Secretary for Manpower and Reserve Affairs, for Deputy Chiefs of Staff G-1, G-2 (January 6, 2017)	X	X		PTC 11/16/18
207	Memorandum from A.M. Kurta, Acting Under Secretary of Defense for Personnel and Readiness, for Secretaries of the Army, Navy, and Airforce (June 21, 2017)	X	X		PTC 11/16/18
208	Memorandum from A.M. Kurta, Performing the Duties of Under Secretary of Defense for Personnel and Readiness, for Secretaries of Military Departments, <i>et al.</i> (October 13, 2017)	X	X		PTC 11/16/18
209	Plaintiff Kirti Tiwari's Response to Defendant's First Discovery Requests, served on April 16, 2018	X	X		PTC 11/16/18
210	Plaintiff Seung Yoon Yang's Response to Defendant's First Discovery Requests, served on April 16, 2018	X	X		PTC 11/16/18
211	Plaintiff Amandeep Singh's Response to Defendant's First Discovery Requests, served on April 16, 2018	X	X		PTC 11/16/18
212	Plaintiff Duncan Makau's Response to Defendant's First Discovery Requests, served on April 16, 2018	X	X		PTC 11/16/18
213	Plaintiff Valdeta Mehanja's Response to Defendant's First Discovery Requests, served on April 16, 2018	X	X		PTC 11/16/18

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214	Plaintiff Raj Chettri's Response to Defendant's First Discovery Requests, served on April 16, 2018	X	X		PTC 11/16/18
215	Plaintiff Thong Nguyen Response to Defendant's First Discovery Requests, served on April 16, 2018	X	X		PTC 11/16/18
216	Plaintiff Xi Cui's Response to Defendant's First Discovery Requests, served on April 16, 2018	X	X		PTC 11/16/18
217	Plaintiff Rajat Kaushik's Response to Defendant's First Discovery Requests, served on April 16, 2018	X	X		PTC 11/16/18
218	Plaintiff Blerta Mehanja's Response to Defendant's First Discovery Requests, served on April 16, 2018	X	X		PTC 11/16/18
219	Plaintiff Mengmeng Cai Response to Defendant's First Discovery Requests, served on April 16, 2018	X	X		PTC 11/16/18
220	Plaintiff Sandeep Singh's Response to Defendant's First Discovery Requests, served on April 16, 2018	X	X		PTC 11/16/18
221	Plaintiff Fleury Ngantchop Keigni Di Satchou's Response to Defendant's First Discovery Requests, served on April 16, 2018	X	X		PTC 11/16/18
222	Plaintiff Kaushal Wadhvani's Response to Defendant's First Discovery Requests, served on April 16, 2018	X	X		PTC 11/16/18

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223	Plaintiff Angelia Acebes's Response to Defendant's First Discovery Requests, served on April 16, 2018	X	X		PTC 11/16/18
224	Plaintiff Kusuma Nio's Response to Defendant's First Discovery Requests, served on April 16, 2018	X	X		PTC 11/16/18
225	Plaintiff Qi Xiong's Response to Defendant's First Discovery Requests, served on April 16, 2018	X	X		PTC 11/16/18
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